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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/460,045

Applicant(s)

NESMITH ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32, 52, 53, 62-67 and 74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32, 52, 53, 62-67 and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

1. Claims 1-32, 52, 53, and 62-67 are pending. Claims 33-51, 54-61, 68-73, and 75-80 have been cancelled in Amendment A, paper no. 6.

#### ***Abstract***

2. The abstract of the disclosure is objected to because the Abstract is more than 150 words in length and not in a single paragraph format.

A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. Correction is required. See 37 CFR 1.72 (b) and MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 62, 67, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,014,643) Minton in view of (US 6,195,647) Martyn et al, hereafter Martyn.

As per claim 1, Minton teaches, A method for allowing relatively rapid entry of securities orders into a computer system, the method comprising: prompting a user to enter into the computer system one or more security-specific order preferences for each of one or more securities (col. 7, lines 32-46 and col. 8, lines 40-48); storing the one or more security-specific order preferences in a memory coupled to the computer system

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(col. 5, lines 12-45). Minton did not teach, automatically using the one or more security-specific order preferences as default values in response to the user placing an order in the computer system for one of the one or more securities.

Martyn discloses, automatically using the one or more security-specific order preferences as default values in response to the user placing an order in the computer system for one of the one or more securities (col. 6, lines 40-44 and col. 8, lines 19-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically using the one or more security-specific order preferences as default values in response to the user placing an order in the computer system for one of the one or more securities and to modify in Minton because such a modification would allow Minton to ensure the values become defaults the Save button can be selected or otherwise the system can use the default values of Quick Order, SelectNet, and Market Maker which will cause the software to save values as defaults for the Dynamic Quote window.

As per claim 2, Minton teaches, generic order preferences for a generic security (col. 10, lines 42-63). Martyn discloses, generic order preferences for a generic security as default values (col. 6, lines 42-47 and fig. 4 (4051 & 4053)). This dependent claim is rejected for the similar rationale as above for claim 1.

As per claim 62, Minton did not teach, sending an acknowledgement to the user upon execution of the order, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to send an acknowledgement to the user upon execution of the order and to modify in Minton because such a modification would

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allow Minton besides allowing users to buy and sell securities to provide other functions to users such as e-mail (see Minton col. 7, lines 54-57 and col. 8, lines 49-53).

This independent claim is rejected for the similar rationale given above for claim 1.

As per claim 67, Minton teaches, A system comprising a network (col. 6, lines 38-44); a CPU coupled to the network (col. 4, lines 43-52, fig. 2 (50 –CPU and (94 – Network); a system memory coupled to the CPU, wherein the system memory stores one or more computer programs executable by the CPU (fig. 2 (56 and 58); wherein the computer programs are executable (col. 5, lines 12-28).

This independent claim is rejected for the similar rationale above for claim 1.

As per claim 74, Minton teaches, A carrier medium which stores program instructions, wherein the program instructions are executable (col. 5, lines 24-67).

This independent claim is rejected for the similar rationale given above for claims 1, 62, and 67.

5. Claims 3-32, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,014,643) Minton and Official Notice taken.

As per claim 3, Minton teaches, The method of claim 1, further comprising printing a report of previously entered security-specific order preferences (col. 6, lines 53-57).

A per claim 4, Minton teaches, The method of claim 2, further comprising printing a report of previously entered generic order preferences (col. 6, lines 58-62).

As per claim 5, Minton teaches, The method of claim 1, further comprising: presenting a security-specific order preferences window to the user for each security,

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wherein the security-specific order preferences window comprises one or more user interface elements that allow the user to specify one or more of the security-specific order preferences (col. 6, lines 45-52, col. 8, lines 40-48 and lines 63-67, and col. 9, lines 1-11).

As per claim 6, Minton teaches, wherein the security-specific order references comprise a security symbol (col. 10, lines 23-31).

This dependent claim is rejected for the similar rationale given above for claim 5.

As per claim 7, Minton teaches, wherein the security-specific order preferences comprise a number of shares to be traded (col. 11, lines 61-63 and col. 12, lines 26-30).

This dependent claim is rejected for the similar rationale as above for claim 5.

As per claim 8, Minton teaches, wherein the security-specific order preferences comprise a dollar amount (col. 12, lines 26-30).

This dependent claim is rejected for the similar rationale given above for claim 5.

As per claim 9, Minton teaches, wherein the security-specific order preferences comprise a limit price (col. 11, lines 45-48 and fig. 6 (622)).

This dependent claim is rejected for the similar rationale given above for claim 5.

As per claim 10, Minton did not teach, wherein the security-specific order preferences comprise a trailing stop price. Official notice is taken that the security-specific order preferences comprise a trailing stop price because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is also rejected for the similar rationale given for claim 5.

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As per claim 11, Minton did not teach, wherein the security-specific order preferences comprise a stop loss price. Official notice is taken that the security-specific order preferences comprise a stop loss price because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is also rejected for the similar rationale given for claim 5. As per claim 12, Minton did not teach, wherein the security-specific order preferences comprise a lot indicator. Official notice is taken that the security-specific order preferences comprise a lot indicator because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is also rejected for the similar rationale given for claim 5.

As per claim 13, Minton did not teach, wherein the security-specific order preferences comprise a limit price indicator. Official notice is taken that the security-specific order preferences comprise a limit price indicator because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is also rejected for the similar rationale given for claim 5.

As per claim 14, Minton teaches, The method of claim 2, further comprising: presenting a generic order preferences window to the user for generic security, wherein the generic security preferences window comprises one or more interface elements that allow the user to specify one or more of the generic order preferences (col. 9, lines 18-30).

As per claim 15, Minton teaches, The method of claim 2, further comprising: presenting a generic order preferences window to the user for the generic security,

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wherein the generic order preferences window comprises one of more user interface elements that allow the user to specify one or more of the generic order preferences; and wherein the generic order preferences comprise a security symbol (col. 9, lines 64-67).

As per claim 16, Minton teaches, wherein the generic order preferences comprise a number of shares to be traded (col. 9, lines 52-57).

This dependent claim is rejected for the similar rationale given above for claim 15.

As per claim 17, Minton teaches, wherein the generic order preferences comprise a dollar amount (col. 9, lines 37-43).

This dependent claim is rejected for the similar rationale given above for claim 15.

As per claim 18, Minton teaches, wherein the generic order preferences comprise a limit price (col. 11, lines 45-48 and fig. 6 (622)).

This dependent claim is rejected for the similar rationale given above for claim 15.

As per claim 19, Minton did not teach, wherein the generic order preferences comprise a trailing stop price. Official Notice is taken that the security-specific order preferences comprise a trailing stop price because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 15.



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As per claim 20, Minton did not teach, wherein the generic order preferences comprise a stop loss price. Official Notice is taken that the security-specific order preferences comprise a stop loss price because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 15.

As per claim 21, Minton did not teach, wherein the generic order preferences comprise a lot indicator. Official Notice is taken that the security-specific order preferences comprise a lot indicator because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 15.

As per claim 22, Minton did not teach, wherein the generic order preferences comprise a limit price indicator. Official Notice is taken that the security-specific order preferences comprise a limit price indicator because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 15.

As per claim 23, Minton teaches, The method of claim 1, further comprising: presenting a security-specific order placement window to the user for each security, wherein the security-specific order placement window comprises one or more user

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interface elements that allow the user to specify one of more of the security-specific order preferences (col. 8, lines 40-48).

This dependent claim is rejected for the similar rationale given above for claim 11.

As per claim 24, Minton teaches, wherein the security-specific order preferences comprise a security symbol (col. 10, lines 23-27).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 25, Minton teaches, wherein the security-specific order preferences comprise a number of shares to be traded (col. 12, lines 21-29 and fig. 7 (720)).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 26, Minton teaches, wherein the security-specific order preferences comprise a dollar amount (col. 12, lines 26-29 and fig. 7 (722)).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 27, Minton teaches, wherein the security-specific order preferences comprise a limit price (col. 11, lines 61-67 and col. 12, lines 1-4).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 28, Minton did not teach, wherein the security-specific order preferences comprise a trailing stop price. Official Notice is taken that the security-specific order preferences comprise a trailing stop price because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 29, Minton did not teach, wherein the security-specific order preferences comprise a stop loss price. Official Notice is taken that the security-specific

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order preferences comprise a stop loss price because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 30, Minton did not teach, wherein the security-specific order preferences comprise a lot indicator. Official Notice is taken that the security-specific order preferences comprise a lot indicator because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 31, Minton did not teach, wherein the security-specific order preferences comprise a limit price indicator. Official Notice is taken that the security-specific order preferences comprise a limit indicator because this is well known in the art of securities trading (see reference in Conclusion).

This dependent claim is rejected for the similar rationale given above for claim 23.

As per claim 32, Minton teaches, The method of claim 1, further comprising: presenting a security-specific order placement window to the user for each security, wherein the security-specific order placement window comprises one or more user interface elements that allow the user to specify one or more of the security-specific order preferences (col. 8, lines 40-48); prompting the user to enter the security symbol (col. 10, lines 16-31); prompting the user to enter a security transaction (col. 10, lines 54-67); allowing the user to adjust one or more of the order preferences of the order placement window (col. 11, lines 20-51); and submitting an order for execution based on the user's input (col. 11, lines 45-51).

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This dependent claim is rejected for the similar rationale given above for claims 11 and 23.

As per claim 52, Minton teaches, The method of claim 1, wherein the computer system is coupled to a computer network (col. 4, lines 1-17).

As per claim 53, Minton teaches, The method of claim 52, wherein the computer network comprises the Internet (col. 6, lines 32-37).

6. Claims 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,014,643) Minton in view of (US 6,317,728) Kane and further in view of (US 6,195,647) Martyn et al, hereafter Martyn.

As per claim 63, Minton did not teach, the prompting comprises displaying an Internet web page that comprises controls that allow the user to enter the one or more security-specific preferences for each of the one or more security-specific order preferences for each of the one or more securities.

Kane teaches, the prompting comprises displaying an Internet web page that comprises controls that allow the user to enter the one or more security-specific preferences for each of the one or more security-specific order preferences for each of the one or more securities (col.13, lines 18-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to display an Internet web page that comprises controls that allow the user to enter the one or more security-specific preferences for each of the one or more security-specific order preferences for each of the one or more securities and to modify in Minton because such a modification

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would allow Minton to have the ability to buy and sell securities over the Internet from a web site.

As per claim 64, Minton teaches, storing an input from the user regarding the one or more security-specific order preferences, wherein the one or more security-specific order preferences are associated with the particular user (col. 5, lines 11-67 and col. 7, lines 47-53, and col. 9, lines 2-11). Minton did not teach, automatically using the one or more security-specific order preferences as default values in response to the particular user placing an order for one of the one or more securities.

Martyn discloses, automatically using the one or more security-specific order preferences as default values in response to the particular user placing an order for one of the one or more securities (col. 6, lines 40-44 and col. 8, lines 19-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically using the one or more security-specific order preferences as default values in response to the user placing an order in the computer system for one of the one or more securities and to modify in Minton and Kane because such a modification would allow Minton and Kane to ensure the values become defaults the Save button can be selected or otherwise the system can use the default values of Quick Order, SelectNet, and Market Maker which will cause the software to save values as defaults for the Dynamic Quote window.

This independent claim is also rejected for the similar rationale given above for claim 63.

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As per claim 65, Minton and Martyn did not teach, wherein the order placement Internet web page prompts the user to place the order for securities. Kane discloses, wherein the order placement Internet web page prompts the user to place the order for securities (col. 7, lines 60-67 and col. 8, lines 1-31). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the order placement Internet web page prompt the user to place the order for securities and to modify in Minton in view of his teachings of a network for securities trading and Martyn in view of his teachings of an on-line transaction processing system for security trading and because such a modification would allow Minton and Martyn to have an Internet web page that has user prompts for trading securities and provide information on daily returns on the investment while minimizing the risk.

As per claim 66, Minton, Martyn, and Kane did not teach, sending an acknowledgement to the user upon execution of the of the order but it would have been obvious to one having ordinary skill in the art at the time the invention was made to send an acknowledgement to the user upon execution of the order and to modify in Minton, Martyn, and Kane because such a modification would allow Minton, Martyn, and Kane besides allowing users to buy and sell securities to provide other functions to users such as e-mail (see Minton col. 7, lines 54-57 and col. 8, lines 49-53).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

May (US 6,421,653) disclosed the trading of financial instruments.

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Buckley et al (US 6,446,871) disclosed a web page, an Internet site, and securities transactions.

Hawkins et al (US 6,247,000) disclosed securities and matching financials.

Garcia (US 6,272,474) disclosed a candlestick price-volume chart.

Cristofich et al (US 6,173,270) disclosed an E Trade stock system on the Web.

8. In an effort to advance prosecution, three relevant references are being supplied as will be cited on the PTO-892 (Notice of References Cited) attached to this Office Action and listed below.

The references are as follows:

Lange US 6,321,212 col. 69, line 26 to col. 70 line 61.

Towers US 4,566,066 col. 30, line 13 to col. 31, line 48.

Keiser et al US 6,505,174 col. 3, lines 1-67.


#### ***Inquiries***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
E. Colbert  
March 23, 2003